City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
Diane M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING & DEVELOPMENT

Application Number: 2005822

Applicant Name: Michael Omura of ZGF Architects for Washington Securities Co.
Address of Proposal: 2300 Fifth Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of an approximately 831,809 square foot building which includes approximately 585,898 square feet of administrative office, 10,000 square feet of child care center, 13,223 square feet of ground floor retail and below grade parking for 609 vehicles (222,688 square feet).

The following approvals are required:

Design Review pursuant to Chapter 23.41 Seattle Municipal Code (SMC), Development Standard Departures:

1. Street Façade Requirements (SMC 23.49.134)

SEPA Environmental Review - Chapter 25.05 Seattle Municipal Code (SMC)

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [X] EIS*

[ ] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

*Draft and Final EIS issued by the Department of Planning and Development (DPD) June 7, 2001 and November 1, 2001 respectively.

BACKGROUND DATA

Site and Vicinity Description

The 83,725 square foot site is zoned Downtown Mixed Commercial with a height designation of 240 ft. (DMC-240). The full block site is bounded by 6th Avenue, 5th Avenue, Battery Street and Bell Street at the edge of the Belltown neighborhood. The existing development consists of a performing arts theatre (Teatro Zin Zanni) and surface parking area (Project #2107739). The site was formerly an auto showroom (Frederick Cadillac).

Surrounding zoning consists of Downtown Mixed Residential/ Commercial with a 240 ft. /125 ft. height designation (DMR/C-240/125) across 5th Avenue, DMC with a 160 ft. height designation across 6th Avenue/Battery Street and DMC-240 in all other directions. Surrounding development consists of the a new 6-story office/retail building (project #2003149), a 3-story Group Health Office building, a 3-story retail/commercial building, a 6-story parking garage, a 2-story retail/commercial building, the 7-story Fountain Court apartments and various surface parking lots.

Battery Street and 6th Avenue are principal arterials, Class II pedestrian streets. Bell Street is a green street. 5th Avenue is a minor arterial, Class I Pedestrian Street. The property contains a vacated alley right of way. The monorail line operates in the 5th Avenue right of way.

The site topography slopes slightly with a rise of 10 ft. over approximately 280 ft. from 6th Avenue/Bell Street property corner (118 ft.) to the 5th Avenue/Battery Street property corner (128-ft).

Proposal Description

The proposal will consist of an approximately 831,809 square foot office development which includes approximately 585,898 square feet of administrative office, 10,000 square feet of child care center, 13,223 square feet of ground floor retail and below grade parking for 609 vehicles. The project will feature a lobby connecting 5th and 6th Avenues and a large open plaza. The plaza will provide open space to the office workers, provide space for the child care play area and be available to the surrounding community. Public Benefit Features utilized to maximize the floor area ratio will include child care, retail shopping, overhead weather protection and green street improvements on both sides of Bell Street. The building mass will consist of two blocks, one 17-story block on the northern portion of the site, and another 8-story block on the southeast portion of the site.

Public Comment and Notice

On December 7, 2000, the Department published a Notice of Application for the Master Use Permit, Determination of Significance, and began the scoping period for an Environmental Impact Statement. No public comment letters were received during the comment period which ended January 5, 2001. A

public DEIS scoping meeting was held on January 3, 2001 by DPD to gather community input; no members of the public attended. The DEIS was published on June 7, 2001 and the comment period on the DEIS ended on July 9, 2001. On July 12, 2001, DPD provided opportunity for public comment at a DEIS public hearing; no members of the public attended. One public comment letter and one public agency comment letter was received, and responses are provided in the Final Environmental Impact Statement (FEIS). The FEIS was published on November 1, 2001.

ANALYSIS – DESIGN REVIEW

Design Guidelines Priorities

The Design Review Board members provided the siting and design guidance described below after visiting the site, considering the analysis of the site and context provided by the proponents. The Design Guidelines of highest priority to this project are identified by letter and number below and are described in more detail in the City of Seattle's *"Design Review Guidelines for Downtown Development, April, 1999"*.

Using the April, 1999 *Design Review Guidelines for Downtown Development:*

A Site Planning & Massing
Responding to the Larger Context

A-1 Respond to the physical environment.
Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.

The proposal will be one of the largest projects in the neighborhood. Careful attention should be given towards breaking up the mass of buildings on all elevations. The Board concurred with the applicant in preferring massing "A" which creates two distinct building masses with one being 16 stories tall and another 8 stories tall.

A-2 Enhance the skyline.
Design the upper portion of the building to promote visual interest and variety in the downtown skyline.

It was identified that the project will in some ways define the neighborhood in that there is no other project of this magnitude in the immediate area. In light of that, the upper portion of the building will be one of the many important elements in defining this project in the larger City context. The aerial photo, which was presented at the meeting, depicts a view looking south at the project site with Elliot Bay and downtown as a backdrop. This unique view of downtown shows that the project site's north corner at the 6th/Battery intersection will be potentially visible

from busy intersection of Denny Way and State Route 99. The Board suggested that the design respond to this special corner through some enhancement of the upper portion of the building.

B Architectural Expression Relating to the Neighborhood Context

B-1 Respond to the neighborhood context.

Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.

B-2 Create a transition in bulk & scale

Compose the massing of the building to create a transition to the height, bulk, and scale of development in neighboring or nearby less intensive zones.

B-4 Design a well proportioned & unified building

Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole

With regard to neighborhood context, the Board asked that structure mass complement the project that will be located across the monorail line and 5th Avenue. Again, it is important to break up the mass in that the project is so large. The Group Health building, formerly the Post Intelligencer building is a subtle example of deco style that may be complemented with regard to style. All the components of this project, the open space and two building masses need to be well proportioned and exhibit a coherent architectural concept. Each component is an integral part of the overall project, and they should all work well together to create a well-proportioned building.

C The Streetscape: Creating the Pedestrian Environment

C-1 Promote pedestrian interaction.

Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.

C-3 Provide active-not blank- facades.

Buildings should not have large blank walls facing the street, especially near sidewalks.

The Board identified Battery Street as an area of concern in that the proposed loading berth could create an un-welcoming atmosphere for pedestrians. There could be a long stretch of façade used up for the loading berth making it difficult to promote pedestrian interaction. This is further exacerbated by the existing loading entry for the Group Health building on the north side of Battery Street. Opportunities need to be explored to create a better pedestrian environment and prevent this block of Battery from becoming unfriendly and un-interesting for pedestrians.

The placement of retail uses needs to be strategically located to promote an active façade on all streets. How the street level retail space surrounding the "private park" draws pedestrians through the park and into the building will be critical to the success of the park and project. Research in connection with successful park design should be preformed to create a lively, interactive and successful park for this project. See D, public amenities for further guidance.

The Board felt this project presented a good opportunity to explore a large retail use, such as a grocery store, and asked the applicant to fully explore this option.

C-4 Reinforce buildings entries.
To promote pedestrian comfort, safety and orientation, reinforce the building's entry.

The building entry on the park side needs to be easily identified and draw people in from the street. Possible features include, special paving or a colonnade integrated with the park. The mid-block pedestrian pass-through/lobby must be designed to promote pedestrian comfort with natural light, ample height and size.

C-5 Encourage overhead weather protection.
Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.

The applicant was encouraged to provide overhead weather protection on all sides.

D Public Amenities
Enhancing the Streetscape & Open Space

D-1 Provide inviting & usable open space
Design public open spaces to promote a visually pleasing, safe and active environment for workers, residents and visitors. Views and solar access from the principal area of open space should be especially emphasized.

The Board emphasized the importance of the park space and the need to engage a highly skilled landscape architect for the project. The space is well located to receive maximum direct sunlight in the southwest portion of the site. The Board directed the design team to take cues from a similar park proposal located at 701 Terry Avenue (Museum Towers, project no. 2000723). There is a unique opportunity to design a creative green street feature because of its adjacency to the park. Continue to work with Lyle Bicknell from CityDesign on the green street improvements.

D-2 Enhance the building with landscaping.
Enhance the building and site with substantial landscaping-which includes special pavements, trellises, screen walls, planters and site furniture, as well as living plant material.

The Board did not specifically recommend hardscape or softscape for the "private park" but hopes that the resulting design includes an appropriate combination. The private park is over

the parking garage so there may be some challenges in connection with the placement of trees. Explore any options to provide artistic elements, seating or public art in the park and/or green street.

D-6 Design for personal safety & security
Design the building and site to enhance the real and perceived feeling of personal safety and security in the immediate area.

Check with the Fire Department regarding their access needs in that it could affect the private park design.

E Vehicular Access & Parking
Minimizing the Adverse Impacts

E-1 Minimize curb cut impacts
Minimize adverse impacts of curb cuts on the safety and comfort of pedestrians.

E-2 Integrate parking facilities.
Minimize the visual impact of parking by integrating parking facilities with surrounding development. Incorporate architectural treatments of suitable landscaping to provide for the safety and comfort of people using the facility as well as those walking by.

The Board is comfortable with the vehicular access location proposed on 6th Avenue, but had some concerns about a single driveway accommodating all the traffic. Because all vehicles will be concentrated at this location, special attention towards the safety and comfort of pedestrians should be provided. Special paving material along the sidewalk was suggested to assist in this endeavor, but it was recognized that SEATRAN approval would be required for this option.

E-3 Minimize the presence of service areas.
Locate service areas for trash dumpster, loading docks, mechanical equipment, and the like away from the street front where possible. Screen from view those elements, which for programmatic reasons cannot be located away from the street front.

The Board was satisfied with the loading berth location along Battery Street, but had concerns about the berth dominating the Battery Street façade, see earlier guidance. They felt there was a dilemma in that the loading berth needs to be large enough to allow maneuvering space yet should not be too dominating. The designers are challenged to create an efficient loading berth while minimizing its presence along the façade. Also see C-1 and C-3.

DESIGN GUIDANCE

A public meeting was held on October 10, 2000 to provide early design guidance for the proposal. The Architect applied for the Master Use Permit (MUP) on November 8, 2000. The Design Review Board was reconvened on February 27, 2001 to review the project design and provide initial recommendations. The Design Review Board members considered the site and context, the previously identified design guideline priorities, and reviewed the drawings presented by the Architect. The Design

Review Board was again reconvened on December 11, 2001 to provide final recommendations for the proposal.

Two members of the board were present at the February 27, 2001 initial recommendation meeting, Mark Hinshaw and Darrell Vange. The Architect provided a thorough presentation describing how the design responded to the early design guidance. The Architect indicated that the design responds to the corner of 6th Avenue and Battery Street by articulating the corner to be distinct from the rest of the building (A-2 Enhance the skyline). Additionally, a small open plaza area has been created at the northeast corner to shorten the façade length on Battery Street and to create an ending point of the articulated curtain wall that cantilevers over this space (C-1 Promote pedestrian interaction & B-4 Design a well proportioned & unified building). The Architect presented four massing options to identify the potential options available; they included, a model depicting a code compliant parcel park off 5th Avenue, code compliant parcel parks off 5th and Bell, a code compliant structure with no parcel park or open space and the proposed option. The architectural style was described as "modern meets traditional" with punched windows reminiscent of older masonry building with modern edges (B-1 Respond to neighborhood context).

The landscape architect shared his visions for the open space and landscape features surrounding the building. The open space goal is to provide a public offering to the neighborhood not a private setting and includes several pedestrian connections from the street. In keeping with the quasi-public feel of the plaza, the Board recommended a condition that any signage located at the southwest corner of the plaza contain no advertising for the tenants of the building. No code compliant street façade is proposed at the property lines surrounding the plaza.

The Board was generally pleased with the design progression and felt the design responded well to the Early Design Guidance.

On December 11, 2001, the Board was reconvened with three members present, Mark Hinshaw, Linda Moriarty and Jerry Jordhiem to provide final recommendations. The Architect provided a brief overview of the site context and project's design in that a majority of the Board was not involved in the earlier design phases. The finish material contemplated now consists of light stone or precast concrete with curtain wall elements.

The landscape architect, Greg Smallenberg, presented the overall plaza and landscaping concept in deference to the new Board members. A large triangle shaped water feature is proposed to create a boundary between 5th Avenue and the plaza with pedestrian connections on either side. A water feature is proposed to be bridged on one end for pedestrians and would provide direct access to the building lobby from the street. A smaller water feature is proposed to create a boundary between Bell Street and the plaza. Uses around the plaza are planned to consist of a restaurant on the north and a child care center, and outdoor play area on the east. A rectangular grass lawn is to occupy the middle of the plaza flanked by sidewalk, trellis and seating benches. The Architects are contemplating various exterior design details, such as unique lighting, sidewalk grates, waste receptacles, curb bulbs at intersections and special paving.

Additionally, the Board saw three design options focusing on the southwest corner of the site; a plaza with a 1,500 square foot retail building, a plaza with coffee or vendor carts, and the Architect's preferred plan with no structures, carts or uses at the southwest corner. The Board shared the design vision of the Architect to create an open plaza unencumbered by a structure or uses at the corner. The designer did feel the plaza could evolve as the needs of the plaza changed. All agreed that the plaza should be able to support opportunities in the future to allow vendors if and when they could constitute a viable business. However, the Board as well as the Architect felt a permanent retail building would detract from the design concept. The designer stressed that the space is well designed and will be a well used plaza. The designer emphasized several projects in Vancouver and elsewhere that were not programmed spaces, yet were successful places.

The Board made comments and had questions regarding the restaurant location and outdoor seating location. The Board felt the design responded well to the Early Design Guidance and **recommended conditional approval** of the project.

On February 26, 2002, the Board was reconvened again to provide recommendations, specifically on a roof top screen wall on the 17 story tower. The screen wall is proposed to be both a design feature at the roof top, and function as a mechanical equipment screen. The wall viewed from the north elevation will be seamless with the building façade thereby making the face more vertical. The Board was supportive of this design feature and had no further recommendations for the project.

Departures

The proposal includes the following departure requests:

1. Street Façade Requirements (SMC 23.49.134A-E) - No façade would be located at the street property lines surrounding the large plaza located in the southwest quarter of the site. In light of that, departures are necessary for minimum façade heights, setback limits, façade transparency and blank façade limits. To accommodate the plaza, the departures will be necessary for about 250 feet along 5th Avenue and about 110 feet along Bell Street.
2. Street Façade Requirements (SMC 23.49.134A-E) - No façade would be located at the street property line surrounding a small open space located at the corner Battery Street and 6th Avenue. Departures are necessary for minimum façade heights, setback limits, façade transparency and blank façade limits. A departure for approximately 30 feet on Battery Street and 40 feet on 6th Street would be required to allow this open area.

The Board members were supportive of both these departures. They felt the large open plaza could be successful for the project and neighborhood. The code requirements in this case would create an intimate space that does not meet the goals of the designer and does not meet the desires of the Board. They were equally supportive of the street façade departure at the corner of Battery Street and 6th Avenue in that it strengthens the curtain wall element at that corner and shortens the façade length along Battery. A shorter façade length along Battery will improve the pedestrian atmosphere.

Recommended Conditions

1. In keeping with the public theme of the plaza, the Board recommended that the address marker located at the southwest corner of the plaza contain only the address of the building and not serve as space to advertise tenants. (D-1 Provide inviting & usable open space, D-4 Provide appropriate signage).

Director's Analysis

The Design Review Board's recommendation does not conflict with applicable regulatory requirements and law, is within the authority of the Board and is consistent with the design review guidelines. All three members of the Design Review Board are in agreement with the above recommendations. The Director agrees with the Board's recommendation to approve the proposed design and the requested departures subject to the above recommendations.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED.**

ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)

The Department determined that this proposal is likely to have significant adverse impact on Traffic and Transportation and issued a Determination of Significance on December 7, 2000. The determination of significance resulted in the preparation of a Draft Environmental Impact Statement (DEIS) and a Final Environmental Impact Statement (FEIS) for the project which were published June 7, 2001 and November 1, 2001 respectively.

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that a given impact is attributable to the proposal, and to the extent that the mitigation is reasonable and capable of being accomplished.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in pertinent part that "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation." Under specific circumstances, mitigation may be required even when the Overview Policy is applicable. SMC 25.05.665(D).

ENVIRONMENTAL IMPACTS

Elements of the environment considered possible significant impacts in the Draft and Final EIS included transportation and parking. Other elements, not considered significant, discussed in the DEIS include; Land Use, Aesthetics, Earth, Environmental Health, Energy and Construction Impacts. Please refer to the DEIS or the FEIS for a complete description of the action, objectives and possible environmental

impacts. In the DEIS, Section III, pages 19 through 62 provides a discussion of the affected environment, significant impacts, mitigation measures and unavoidable adverse impacts. In the DEIS, Appendix B, pages B-1 through B-36 provides a discussion of the elements not considered significant.

The information provided by the Architect and its consultants, the public comments received, and the experience of the lead agency with the review of similar proposals form the basis for review and conditioning of the proposal. The potential environmental impacts disclosed by the Draft and Final EIS are discussed below. Where appropriate, mitigation may be required pursuant to Seattle's SEPA Ordinance (SMC 25.05).

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the sidewalk. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

It is anticipated that construction for this project will have duration of about 2 years. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, transportation, parking and noise warrant further discussion.

Traffic and Circulation

Site preparation would involve removal of the existing building, asphalt pavement and excavation for the foundation of the proposed building. Approximately 71,559 cubic yards of material would be excavated and removed from the site. This activity would require 7,155 round trips with 10-yard hauling trucks or 3,578 round trips with 20-yard hauling trucks, which are the standard for this size of undertaking. Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates certain times of day when truck traffic is allowed on certain streets and designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions.

Compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT) is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal and no further conditioning is necessary.

Construction Worker Parking

Parking utilization along streets in the vicinity is high and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. It is likely that some workers will use nearby pay parking lots, carpool or bus into work. However, because the scale of the project is of a significant size and a large workforce will be utilized workers could utilize on-street parking and exacerbate the demand for parking in the immediate vicinity. This temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park in the garage as soon as it is constructed for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

Noise Impacts

The site is a full block bounded by streets on all sides so there are no sensitive noise receptors within 50 feet of the property boundaries. Close by uses within 100 feet of the site boundaries which may be impacted by noise include, Group Health offices, Antioch University and Fountain Court Apartments. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on the nearby Fountain Court Apartments and Antioch University. The impacts upon residential uses could be especially adverse in the early morning, in the evening, and on weekends. The applicant will be required to limit periods of construction to between the hours of 7:30 AM to 6:00 PM non-holiday weekdays and contingently on weekends to between the hours of 9:00 AM and 5:00 PM. Allowing weekend construction activity will be contingent on an approved mitigation program for the duration of construction. A mitigation program proposal must be submitted by the applicant or contractor and approved by DPD. The mitigation program will be required for weekend work; however, it is suggested that the program be implemented for weekday work also. The program elements must consist of the following:

- Construction activities which generate the loudest noise shall be performed during the weekday hours. Identification of the type of construction activity that will occur between the hours of 9:00 AM to 5:00 PM on weekends need to be disclosed. No work, deliveries or otherwise will be allowed outside of the weekend hours.

- Commitments and proposals to prohibit back-up alarms on vehicles and equipment, utilization of sound buffering or barrier devices, utilization of construction equipment that generate lower noise decibels or utilization by other means to mitigate noise will be required.
- Creation of a procedure for hearing neighbor complaints and concerns (monthly meeting, door to door canvassing, etc.), providing affected neighbors with a construction schedule in advance of such work, and providing available project contact persons at the site and by phone during construction hours.
- The approved plan shall be available or posted at the site for the duration of construction.

DPD may disallow weekend construction if the mitigation program is not followed and/or public complaints warrant such prohibition. No further conditioning is necessary pursuant to SEPA Construction Impacts Policy (SMC 25.05.675 B).

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) during demolition. The owner and/or responsible party (ies) are required to comply with the PSCAA rules pertaining to demolition of projects with or without asbestos. This will ensure proper handling and disposal of asbestos, as well as demolition of structures without asbestos. No further SEPA conditioning is necessary.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including; increased pedestrian and vehicular traffic; increased parking demand; increased airborne emissions from additional traffic; increased ambient noise due to increased human activity; increased bulk and scale on the site, increased demand for public services and utilities, increased energy consumption, and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; the Seattle Building Code which provides prescriptive construction techniques and standards; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term long term impacts, although some impacts warrant further discussion and possible mitigation.

Traffic and Transportation

The DEIS evaluated transportation and parking related impacts associated with three project alternatives; no project, the proposed project and a project with no additional square footage derived from transfer of development rights or public benefit features. The information is summarized in this document, but can be referenced in its entirety in the DEIS, Section III, pages 19 through 62. The

DEIS describes project-generated impacts to the street system, traffic volumes, traffic operations, transit service and facilities, non-motorized facilities, traffic safety, and parking. The analysis studied a total of 25 signalized intersections in the project vicinity. Based on the traffic circulation from the project generated traffic, 16 of the study intersections were evaluated during the AM peak hour and 18 of the study intersections were evaluated during the PM peak hour. Some intersections were only studied during the AM peak hour and not during the PM peak hour and vice versa.

In evaluating potential traffic impacts, the DEIS estimated net new trip generation by reducing peak hour project trips by the trip generation characteristics of the existing auto sales use (Frederick Cadillac). It was estimated that the auto sales generated approximately 60 AM peak hour trips and 75 PM peak hour trips. Accordingly, AM and PM peak hour project traffic volumes were reduced, and it was estimated that the project would generate 410 new net AM peak hour trips and 510 new net PM peak hour trips. After the FEIS was published, there was a change of use at the site from auto sales (Frederick Cadillac) to performing arts theatre (Teatro ZinZanni) which resulted in a change to the existing trip generation. The Transpo Group provided new peak hour trip generation estimates in a memorandum dated October 14, 2003. The memo concluded that the performing arts theatre generates zero AM peak hour trips and 75 PM peak hour trips. This results in a revised net trip generation estimate for the AM peak hour of 470 trips, 60 more trips than estimated in the DEIS. There is no change in the PM peak hour since the generation estimates were the same for both uses. The memo concluded that change of use of the site would not appreciably change traffic impacts generated by the proposed project.

The project impacts will be conditioned to reduce vehicle demand through implementation of a Transportation Management Program (TMP). With or without demand reduction strategies, additional vehicular traffic and related intersection delay increases would be unavoidable at a number of off-site intersections. It was determined that no study intersection would degrade to LOS F as a result of the project although project traffic would affect intersections that already operate at LOS F. Physical improvements at the studied intersections or improvements to the surrounding street system could mitigate impacts of this project; however, no reasonable physical improvements were identified that would be appropriate mitigation attributable to this project's impact.

Pursuant to SEPA authority, SMC 25.05.675R to mitigate traffic impacts, a Transportation Management Program (TMP) shall be required.

Transportation Management Plan

The TMP shall be formulated and implemented pursuant to DPD Director's Rule 14-2002. The TMP shall be promoted for employees of the new building and consist of the following elements: TMP Goal, Required Elements and Evaluation Criteria. The Director's Rule shall establish and provide further guidance for the preparation and administering of the TMP.

Goal: Achieve a 45 % peak hour maximum SOV rate within five years of occupancy.

Required Elements: The required elements will be determined prior to issuance of the building permit in that the size and number of potential tenants for the building have not been determined. The approved TMP may include all the elements or may be modified at the discretion of DPD to address specific aspects of the proposal and to attain the goal. DPD will consult with the applicant and SDOT prior to finalizing the TMP elements.

The applicant shall be required to record acknowledgment of the TMP goal and potential inclusion of all the required elements. In this case, a recorded copy of the actual TMP will not be required to be recorded prior to MUP, but only prior to issuance of the building permit.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[ ] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[X] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

DESIGN REVIEW CONDITOINS

For the life of the project

1. In keeping with the public theme of the plaza, the address marker located at the southwest corner of the plaza shall contain only the address of the building and not serve as space to advertise tenants. (D-1 Provide inviting & usable open space, D-4 Provide appropriate signage.

NON-APPEALABLE CONDITIONS - DESIGN REVIEW

Prior to Issuance of the Master Use Permit and Building Permit Issuance

1. The owner or responsible party shall submit 11x 17 inch version of the 2/26/2002 colored presentation drawings in digital and hard copy form to DPD and embed these into the building permit set.

During construction

2. All changes to approved plans with respect to the exterior façade of the building and landscaping on site and in the right of way must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of Certificate of Occupancy

3. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD Land Use Planner assigned to this project (Jess Harris- 206-684-7744) or by a Land Use Planner Supervisor (Cheryl Waldman- 206-233-3861). Inspection appointments must be made at least 3 working days in advance of the inspection.

SEPA CONDITIONS

The owner(s) and/or responsible party(s) shall:

Prior to Issuance of Master Use Permit

1. Provide a recorded TMP Acknowledgment Letter stating their understanding of the TMP goal, potential required elements and evaluation criteria.

Prior to Issuance of a Construction Permit

1. Submit for DPD approval a construction noise mitigation plan to allow weekend construction activity. The mitigation program will be required for weekend work; however, it is suggested that the program be implemented for weekday work also. The program elements must consist of the following:

   - Construction activities which generate the loudest noise shall be performed during the weekday hours. Identification of the type of construction activity that will occur between the hours of 9:00 AM to 5:00 PM on weekends need to be disclosed. No work, deliveries or otherwise will be allowed outside of the weekend hours.
   - Commitments and proposals to prohibit back-up alarms on vehicles and equipment, utilization of sound buffering or barrier devices, utilization of construction equipment that generate lower noise decibels or utilization by other means to mitigate noise will be required.
   - Creation of a procedure for hearing neighbor complaints and concerns (monthly meeting, door to door canvassing, etc.), providing affected neighbors with a construction schedule in advance of such work, and providing available project contact persons at the site and by phone during construction hours.

   DPD may disallow weekend construction if the mitigation program is not followed and/or public complaints warrant such prohibition. No further conditioning is necessary pursuant to SEPA Construction Impacts Policy (SMC 25.05.675 B).

2. Record Transportation Management Program (TMP) consistent with and including the Required Elements as described in DPD Director's Rule 14-2002 and include the following elements:

   - Program Goal: The proportion of employee trips by single occupancy vehicles (SOV) shall not exceed 45% of the trips within five years of occupancy.

   - Implement the Element Requirements as determined by DPD (Based on Director's Rule 14-2002).

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

3. Parking for construction workers shall be provided on-site as soon as the garage is completed.

4. The applicant will be required to limit periods of construction to between the hours of 7:30 AM to 6:00 PM non-holiday weekdays. Weekend work is subject to approval of a noise mitigation plan to work between the hours of 9:00 AM and 5:00 PM. The approved plan shall be available or posted at the site for the duration of construction.

Compliance with applicable conditions must be verified and approved by the Land Use Planner assigned to this project (Jess Harris, phone no. 684-7744) or by the Supervising Land Use Planner for the area where the project is located (Cheryl Waldman, phone no. 233-3861), at the specified development stage, as required in the Director's decision. You must make an appointment with the assigned Land Use Planner at least three (3) working days in advance of any final inspection if required. The Land Use Planner will determine whether the condition requires submission of additional documentation or a verification to ensure that compliance has been achieved.

Signature: (signature on file) Date: June 10, 2004

Jess Harris, AICP
Land Use Planner
Department of Planning and Development

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